

Excerpts  
Planning Commission Minutes  
August 9, 2000

**Application No. UP-559-00, John and Janet Veith:** Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an 850-square foot accessory apartment in conjunction with a single-family detached dwelling.

Mr. Tim Cross presented the staff report contained in a memorandum dated July 28, 2000 and said the staff is recommending approval. Mr. Cross said the applicants are in attendance and offer to answer any questions the members may have.

Mr. Shepperd noted that 30 percent of total square footage of the main residence is the maximum allowed for an accessory apartment in James City County. Mr. Cross acknowledged that York is somewhat more restrictive with space limitations for accessory apartments than surrounding communities and the staff is studying that during the Zoning Ordinance Revision Project.

The Vice Chair opened the public hearing.

Mr. Shepperd asked the applicant about public utilities to the property under contract and Mr. Veith replied the property is served by a well and septic system.

Hearing no one else, Mr. Simasek closed the hearing.

Mr. Beil moved to adopt Resolution PC00-18, recommending approval.

PC00-18

On motion of Mr. Beil, which carried 5:0 (Semmes and White absent), the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A SINGLE-FAMILY DETACHED DWELLING TO BE CONSTRUCTED IN SKIMINO LANDING ESTATES**

WHEREAS, John and Janet Veith have submitted Application No. UP-559-00 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure, and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of August, 2000, that it does hereby transmit Application No. UP-559-00 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40 subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40
2. Building plans in substantial conformance with the sketch plan submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 850 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The maximum combined number of bedrooms in the principal dwelling and the accessory apartment unit shall be four (4) unless otherwise specified by the Health Department based on a finding that on-site water supply and sewage treatment facilities either are not adequate to serve the anticipated number of residents or are adequate to serve a greater number of residents.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. The accessory apartment shall be constructed in conjunction with or subsequent to, but in no case prior to, the construction of the principal dwelling unit.
10. Failure to establish the accessory apartment within five (5) years from the date of approval of this special use permit shall cause the permit to terminate automatically.

11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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